

LEGISLATURE OF NEBRASKA

ONE HUNDRED FIRST LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 627

FINAL READING

Introduced by Business and Labor Committee: Lathrop, 12,
Chairperson; McGill, 26; Schilz, 47; Wallman,
30; White, 8.

Read first time January 21, 2009

Committee: Business and Labor

A BILL

- 1 FOR AN ACT relating to the Boiler Inspection Act; to amend section
- 2 48-722, Revised Statutes Cumulative Supplement, 2008;
- 3 to require inspections of domestic potable hot water
- 4 heaters; and to repeal the original section.
- 5 Be it enacted by the people of the State of Nebraska,

1 Section 1. Section 48-722, Revised Statutes Cumulative
2 Supplement, 2008, is amended to read:

3 48-722 (1) Except as provided in ~~subsection (3)~~
4 subsections (3) and (4) of this section, the state boiler inspector
5 shall inspect or cause to be inspected at least once every
6 twelve months all boilers required to be inspected by the Boiler
7 Inspection Act to determine whether the boilers are in a safe and
8 satisfactory condition and properly constructed and maintained for
9 the purpose for which the boiler is used, except that (a) hobby
10 boilers, steam farm traction engines, portable and stationary show
11 engines, and portable and stationary show boilers, which are not
12 otherwise exempted from the act pursuant to section 48-726, shall
13 be subject to inspection at least once every twenty-four months
14 and (b) the commissioner may, by rule and regulation, establish
15 inspection periods for pressure vessels of more than twelve months,
16 but not to exceed the inspection period recommended in the National
17 Board Inspection Code or the American Petroleum Institute Pressure
18 Vessel Inspection Code API-510 for pressure vessels being used for
19 similar purposes. In order to ensure that inspections are performed
20 in a timely manner, the department may contract with an authorized
21 inspection agency to perform any inspection authorized under
22 the Boiler Inspection Act. If the department contracts with an
23 authorized inspection agency to perform inspections, such contract
24 shall be in writing and shall contain an indemnification clause
25 wherein the authorized inspection agency agrees to indemnify and

1 defend the department for loss occasioned by negligent or tortious
2 acts committed by special inspectors employed by such authorized
3 inspection agency when performing inspections on behalf of the
4 department.

5 (2) No boilers required to be inspected by the act shall
6 be operated without valid and current certification pursuant to
7 rules and regulations adopted and promulgated by the commissioner
8 in accordance with the requirements of the Administrative Procedure
9 Act. The owner of any boiler installed after September 2, 1973,
10 shall file a manufacturer's data report covering the construction
11 of such boiler with the state boiler inspector. Such reports shall
12 be used to assist the state boiler inspector in the certification
13 of boilers. No boiler required to be inspected by the Boiler
14 Inspection Act shall be operated at any type of public gathering or
15 show without first being inspected and certified as to its safety
16 by the state boiler inspector or a special inspector commissioned
17 pursuant to section 48-731. Antique engines with boilers may be
18 brought into the state from other states without inspection, but
19 inspection as provided in this section shall be made and the boiler
20 certified as safe before being operated.

21 (3) The commissioner may, by rule and regulation, waive
22 the inspection of unfired pressure vessels registered with the
23 State of Nebraska if the commissioner finds that the owner or user
24 of the unfired pressure vessel follows a safety inspection and
25 repair program that is based upon nationally recognized standards.

1 (4) A boiler that is used as a water heater to supply
2 potable hot water and that is not otherwise exempt from inspection
3 under the act pursuant to section 48-726 shall be subject to
4 inspection at least once every twenty-four months in accordance
5 with a schedule of inspection established by the commissioner by
6 rule and regulation.

7 Sec. 2. Original section 48-722, Revised Statutes
8 Cumulative Supplement, 2008, is repealed.